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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF

**CISCO'S ADMINISTRATIVE MOTION
TO FILE UNDER SEAL CONFIDENTIAL
INFORMATION IN CISCO'S
CORRECTED OPPOSITION TO
ARISTA'S MOTION FOR LEAVE TO
AMEND RESPONSE TO ADD
COUNTERCLAIMS**

DEMAND FOR JURY TRIAL

Pursuant to Civil L.R. 79-5, Plaintiff Cisco Systems, Inc. (“Cisco”) respectfully requests an order granting leave to file under seal the portions of the document listed below:

Document	Portions to Be Filed Under Seal
Cisco’s Corrected Opposition to Arista’s Motion for Leave to Amend Response to Add Counterclaims	As highlighted in the version filed herewith, portions of pages: 4 and 8.

I. LEGAL STANDARD

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law”(*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.* Generally, materials related to non-dispositive motions may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). For pleadings attached to a non-dispositive motion, however, this Court has held that the party seeking sealing must provide “compelling reasons” to justify sealing. *See Delphix Corp. v. Actifio, Inc.*, No. 13-cv-04613-BLF, 2014 WL 415520, at *1 (N.D. Cal. Aug. 20, 2014). “Compelling reasons” exist to seal information that, if disclosed, would damage a party’s ability to compete in the marketplace. *See In re Elec. Arts, Inc.*, 298 F. App’x 568, 569 (9th Cir. 2008).

II. ARISTA’S DESIGNATED CONFIDENTIAL INFORMATION

Cisco makes this request to seal the document identified herein for the reasons explained in detail in the Declaration of Matthew D. Cannon in support of this Administrative Motion to File Under Seal (“Cannon Declaration”). The information sought to be sealed has been directly designated by Defendant Arista Networks, Inc. (“Arista”) as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY” under the Protective Order (Dkt. 53). Cisco has narrowly tailored

1 its request to seal only the information so designated by Arista as the basis for this request as
2 articulated in the Cannon Declaration.

3 Cisco expects that Arista will file the required supporting declaration in accordance with
4 Civil Local Rule 79-5(e), as necessary, to confirm that the information contained in the above
5 referenced document should be sealed.

6 **III. CONCLUSION**

7 Concurrently with this Motion, Cisco is filing redacted and highlighted versions of the
8 above-referenced documents indicating the specific portions Cisco seeks to seal.

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10 DATED: February 8, 2016

Respectfully submitted,

11 /s/ Sean S. Pak

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